

# European Communities

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## EUROPEAN PARLIAMENT

# Working Documents

1975-1976

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7 April 1975

DOCUMENT 24/75

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## Report

drawn up on behalf of the Committee on Social Affairs and Employment

on the proposal from the Commission of the European Communities to the Council (Doc. 520/74) for a directive on equality of treatment between men and women workers (access to employment, to vocational training, to promotion and with regard to working conditions)

Rapporteur: Lady ELLES



By letter of 28 February 1975 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 100 of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council (Doc. 520/74) for a directive on equality of treatment between men and women workers (access to employment, to vocational training, to promotion, and as regards working conditions).

On 7 March 1975 the European Parliament referred this proposal to the Committee on Social Affairs and Employment.

The Committee on Social Affairs and Employment appointed Lady ELLES rapporteur on 11 February 1975.

It considered this proposal at its meetings of 4 March, 24 March and 25 March 1975.

At its meeting of 25 March 1975 the committee adopted the motion for a resolution and explanatory statement unanimously.

The following were present: Mr A. Bertrand, chairman; Mr Adams, vice-chairman; Lady Elles, rapporteur; Mr Albers, Mr Albertsen, Mr Della Briotta, Mr Dondelinger, Mr Geurtsen, Mr Glinne, Mr Härzschel, Mr Pisoni, Mr Premoli, Sir Brandon Rhys-Williams, Mr Rosati, Mr Schwabe, Mr Yeats.

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The Committee on Social Affairs and Employment hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a directive on equality of treatment between men and women workers (access to employment, to vocational training, to promotion, and as regards working conditions)

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council (COM (75) 36 final),
  - having been consulted by the Council pursuant to Article 100 of the EEC Treaty (Doc. 520/74),
  - having regard to the report by the Committee on Social Affairs and Employment (Doc. 24/75),
1. Welcomes the initiative of the Commission on this point;
  2. Notes that women now form about 35% of the labour force in the European Community, that the proportion of married women in employment is increasing and that, since more women are now marrying at a younger age, married women are now available for employment over 20 to 30 years;
  3. Notes with regret that women are still concentrated in low paid unskilled and semi-skilled jobs;
  4. Emphasizes the importance of better career guidance and vocational training as a means of encouraging women to take up employment in a wider range of jobs;
  5. Emphasizes the need for effective legislation as a spur to changing attitudes in regard to the promotion and responsibilities given to women;
  6. Emphasizes that maternity, an essential human function, should also be regarded as a vital social function, not as an automatic bar to women's employment or promotion. The choice of a return to work by women with young children should be made more widely available through the better provision of financial aid and child-care facilities, and by the protection of the rights acquired by employment;
  7. Welcomes the proposed initiative on equal treatment in social security provision, but draws attention to the fact that this implies a review of social security systems, noting that low wages, frequently due to the classification of their jobs, constitute disadvantages to women and may entail problems of low pensions;

8. Recognizing that prejudices are often based on a lack of objective and statistical information, calls for the foundation of an information and documentation centre for women as a means of collating and disseminating information about their rights in employment;
9. Realizes the importance and draws attention to the necessity, in achieving the object of this draft directive, of informing employees and employers of their rights and obligations;
10. Urges that more firms should be encouraged to institute part-time and flexible-time working systems which take account of the responsibilities, availability, and convenience of workers;
11. Draws attention to the fact that the European Institutions themselves provide a classic example of discrimination against women in upgrading and promotion, and hopes that immediate steps will be taken to improve the position of women working in these Institutions;
12. Recognizes that the effectiveness of the proposed Directive will depend not only on legislative but also on administrative and procedural measures and sanctions;
13. Requests the Commission to establish a system of continuous monitoring of progress in the Member States in regard to the implementation of this Directive;
14. Requests its appropriate committee to continue to study this matter, and if necessary to report to Parliament on this matter again.

Draft Council Directive

on

equality of treatment between men and women workers  
(access to employment, to vocational training and  
as regards working conditions).

Preamble - Recitals 1 - 3 : unchanged

Recital 4

Whereas there is discrimination against women at the level of freedom of choice of job, access to employment and promotion, which is due, in particular, to the lack or inadequacy of their qualifications, and whereas present inequalities should be eliminated by approximating the legislations of Member States;

Recital 4

Whereas there is discrimination against women at the level of freedom of choice of job, access to employment and promotion, which is due partly to the lack or inadequacy of their qualifications, and whereas present inequalities should be eliminated by approximating the legislations of Member States;

Preamble - Recitals 5 and 6 : unchanged

Article 1 unchanged

Article 2 - first paragraph and (a) unchanged

Article 2

(b) annul provisions at variance with the principle of equality of treatment included in collective agreements or individual contracts of employment;

(c) amend those laws, regulations and agreements originally drawn up with a view to the protection of workers which are no longer justified owing to technical progress and which constitute an obstacle to equality of access to employment.

Article 2

(b) annul and amend provisions at variance with the principle of equality of treatment included in collective agreements or individual contracts of employment;<sup>2</sup>

(c) amend those laws, regulations and agreements originally drawn up with a view to the protection of workers which are no longer justified (delete four words) and which constitute an obstacle to equality of access to employment.

Article 3 unchanged

<sup>1</sup> For complete text, see COM(75) 36 final.

<sup>2</sup> This amendment relates only to the Danish and the English texts

Article 4

With a view to implementing the principle of equal treatment in regard to promotion, Member States shall take steps to ensure that the conditions of promotion within the career structure are determined and applied on the basis of equal treatment in accordance with individual qualifications and experience, without regard to sex, marital or family status.

Article 5

In order to enable women to benefit from equal treatment without discrimination based on sex, or marital or family status, in respect of working conditions, including dismissals and social security provisions, the Member States shall take measures to :

- (a) abolish laws, regulations and administrative provisions at variance, in these areas, with the principle of equal treatment;
- (b) annul such provisions of collective agreements or individual contracts of employment as are at variance with the principle of equality;
- (c) amend those laws, regulations and agreements originally drawn up with a view to the protection of workers such as are no longer justified, owing to technical progress and which constitute a discrimination in working conditions.

Article 4

With a view to implementing the principle of equal treatment in regard to upgrading and promotion, Member States shall take steps to ensure that the conditions of promotion within the career structure are determined and applied on the basis of equal treatment in accordance with individual qualifications and experience, without regard to sex, marital or family status.

Article 5

In order to enable women to benefit from equal treatment without discrimination based on sex, or marital or family status, in respect of working conditions, including dismissals and social security provisions, with the exception of maternity benefits, the Member States shall take measures to :

- (a) unchanged
- (b) annul and amend<sup>1</sup> such provisions of collective agreements or individual contracts of employment as are at variance with the principle of equality;
- (c) amend those laws, regulations and agreements originally drawn up with a view to the protection of workers such as are no longer justified (delete 4 words), and which constitute a discrimination in working conditions.

Articles 6, 7 and 8 unchanged

<sup>1</sup> This amendment relates only to the Danish and English texts



Article 9

The Member States shall put into force all laws, regulations and administrative provisions needed in order to comply with this Directive within one year from the notification of this Directive and shall inform the Commission thereof.

The Member States shall also notify the Commission of all laws, regulations and administrative provisions adopted in the field governed by this Directive.

Article 9

The Member States shall put into force all laws, regulations and administrative provisions needed in order to comply with this Directive within one year from the notification of this Directive and shall inform the Commission thereof.

The Member States shall set up control procedures embodying preventive and a posteriori measures to ensure the implementation of the objectives of the directive.

The Member States shall also notify the Commission of all laws, regulations and administrative provisions adopted in the field governed by this Directive.

Articles 10 and 11 unchanged

EXPLANATORY STATEMENT

1. Before discussing the actual contents of the guideline proposed by the Commission, a protest must be registered since, although the Parliament has been given only a short time for discussion of this question, the Commission did not produce the document, either as a definitive text or in all languages, so that, for some time, the rapporteur had to work on the basis of a French version of an unconfirmed text. This is clearly an unacceptable way in which to treat the Parliamentary process of discussion.
2. There is no doubt that discrimination against women in employment, training, promotion and working conditions remains a fact in many ways. This is despite not only national legislation but also such international conventions, declarations and agreements against discrimination as the ILO Convention no. 100, the UN declaration on Human Rights, the International Convention on Economic and Social Rights, the European Convention on Human Rights and the decisions of the European Court of Justice. The proposed directive on equal treatment is important for the principle which it expresses and for the guidelines which it lays down. It must, however, be asked how far legislation to be introduced by Member States as a result of this directive will prove effective unless procedural and administrative measures are also taken and more information is given to employers to help them to overcome the difficulties which will undoubtedly arise.
3. Once the principle of equal treatment has been established, it is necessary to seek ways of widening the area where women are employed since this will not happen automatically. It must be remembered that there are an increasing number of women, particularly married women, able and willing to work. The Commission's Memorandum is particularly useful in examining the factual bases of the various common beliefs which have helped to circumscribe women's employment opportunities up to now.
4. It is clear that unless some action is taken on a Community and a national level, the existing concentration of women in low paid employment will merely continue to exist. This is because of the lack of career and training advice, the increase in wages on a percentage basis (which perpetuates women's lower paid status even against a background of rising wages) and the lack of promotion opportunities. In certain industries 'light work' wage groups exist specifically for women and give them a low

percentage of a male unskilled worker's wage.<sup>1</sup>

5. It is therefore clear that if women are to take advantage of the principle of equal treatment they must, in the first instance, have better career guidance and orientation before they leave school. As the marriage age drops, girls leaving school may think only of a short-term job, but it must be shown to them that, after their family grows up, they will have 20 to 30 years of potential employment time available to them. In order to encourage girls to raise and vary their job expectations they must be given equal educational opportunities with boys at school. The availability of apprenticeships outside the normal female sphere (hairdressing, manicure) must also be increased: the United Kingdom New Earnings Survey for 1973 showed that, of the females undergoing training, only about 11% were serving apprenticeships, compared with 42% of the males. Although the directive deals with equal access to vocational training, it ignores the fact that special provision may need to be made for married women returning to work, who may be over the age limit for normal vocational courses. If women are to attend such courses, a more imaginative approach is needed towards their organization to take account of local geographical and social factors. It must also be emphasized that an important facet of post-school education for women is training for responsibility: too often women are not prepared to put themselves forward for promotion to posts of responsibility.

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<sup>1</sup> For example at the end of 1973 the following German statistics reflect this practice:

	Hourly wage Men		Hourly wage Women		Annual difference
Unskilled	DM	6.20	DM	4.92	DM 2,902
Semi-skilled	DM	6.92	DM	5.12	DM 4,100
Skilled	DM	7.74	DM	5.48	DM 5,206

In terms of the overall wage position at the end of 1973, women manual workers were receiving 85.3% of the male wage in France, 74.3% in Italy, 80% in the United Kingdom, 94.5% in Denmark and 75 - 85% in Ireland.'

6. One important belief about women in employment which must be dealt with is that women employees are a worse investment than men in terms of absenteeism. It is of course true that women face problems when their children are small or fall ill, but in terms of overall absence rates men and women in fact differ very little in comparable jobs. The comparatively high absentee rates for women in low paid jobs generally reflects the fact that these are dull, monotonous jobs in which there is little satisfaction. On the other hand, married women employees have a much lower turnover rate compared with younger women workers and are therefore a good long-term employment investment. The high turnover rate of young women workers is linked to the fact that they are concentrated in badly paid jobs with poor conditions and no responsibility: these are, very often, jobs for which it is difficult, if not impossible, to find male employees. Where men do take up such jobs, their turnover rate resembles that of women. The myth that women are unreliable employees, incapable of responsibility, has probably helped to create a situation where highly qualified women are often found in low-paid jobs.<sup>1</sup>

<sup>1</sup>Take for example the situation of women employees within the Commission of the European Community (from 31 December 1972)

Grade	Total number of fonctionnaires	Total number of women	% of women
A			
Step 1	32	-	-
2	112	1	0.89
3	299	3	1.00
4	367	11	3.00
5	415	22	5.30
6	240	36	16.08
7	160	26	16.25
B			38.43
C			81.63
D			1.01
LA			37.41
Total number of women			44.08

7. If women are to gain an equal place in employment, much more attention needs to be paid to securing for them equal social security benefits. In particular, part-time work, which many women with children prefer, often does not carry sickness and unemployment cover. Women are poorly represented as members of occupational pensions schemes and frequently the terms and conditions of such pension schemes discriminate against women: in the United Kingdom in 1970, taking manual and non-manual workers together, 38% of the women belonged to occupational pensions schemes compared with 59% of the men. Women would undoubtedly benefit from increased family allowances, and, in view of the number of women in employment, such an increase is probably to be preferred to the introduction of a 'social wage' payable to women who stay at home to look after their children. It is unclear whether Article 5 of the proposed directive refers to the equalization of the pensionable age - now 60 for women and 65 for men in most Member States. If it does refer to equalization this is such a controversial move that it might hold up the equalization of social security in other areas and it might therefore be preferable for member states to enact legislation to make 60 an optional retiring age for women.

8. Child-bearing and child-care are inevitably the distinguishing features of the female employment pattern. At present the provision of maternity leave and maternity allowances varies in the Member States. It is vital that after pregnancy women should have the option of job reinstatement within a specified period and with no loss of promotion prospects. Dismissal because of pregnancy is an unacceptable practice. So long as the desire exists amongst married women with small children to return to work, there must be far better provision of crèches and day care facilities and, equally important, child-minding facilities for after-school hours and holidays. There are many women for whom a return to work soon after the birth of their child is an economic necessity rather than a matter of choice, and for such women the available child care facilities are often very poor.

9. It may be argued that application of the principle of equal treatment will throw open to women 'difficult and dirty' jobs in which the presence of women is regarded as undesirable, for example, coal mining. In this case, it must be remembered that women have for years been accepted in our society as the natural executants of certain 'difficult and dirty' jobs - for example, as nurses, lavatory attendants, etc. It is not to be expected that as a result of the implementation of this directive women will apply in large numbers to be miners or road menders. It is however important to establish the principle of equal access with as few stated exceptions as possible. And it should be remembered that women performed notably hard tasks perfectly

well during war-time, and that society's expectations of them can change rapidly once a breakthrough into a previously all-male employment sphere has been achieved.

10. The proposed directive is particularly weak in outlining the type of enforcement machinery which is to be employed in the member states (article 6). It is most important that the body which is set up to apply the principle of equal treatment should itself be able to carry out investigations and initiate legal actions against offending parties. Otherwise the onus of seeking legal redress is placed far too much upon the individual, who may be ill-equipped to take action.

11. There is no doubt that, following its action on equal pay, and the proposed action on equal treatment, a case can be made out for a permanent Community body to oversee progress in the field of legislation affecting women's pay and employment prospects, and to report on its effectiveness. This body could work closely with the proposed machinery for disseminating information about women's employment.